

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO: 0410080GAO

RALPH J. VOLLMANN, *
Plaintiff *

vs. *

ROGER LYNN GRUBB and *
ALLIED SYSTEMS LTD., *
Defendants *

**PLAINTIFF'S MOTION TO COMPEL DISCOVERY UNDER RULE 37(A)(2) AGAINST
DEFENDANT, ROGER LYNN GRUBB**

The plaintiff, Ralph Vollman, hereby moves pursuant to Rule 37(a)(2) of the Federal Rules of Civil Procedure that this Court order the defendant to produce documents requested of Roger Grubb and as reason therefore states:

1. On March 4, 2004, the plaintiff, Ralph Vollman served pursuant to Rule 34 and Rule 33(a) of the Federal Rules of Civil Procedure, a request for production of documents and interrogatories upon the defendant, Roger Lynn Grubb. A copy of said Request and Interrogatories are attached hereto as Exhibit "A" and Exhibit "B".
2. The thirty day period permitted by Rule 34 and Rule 33(a) has expired, but the defendant Roger Lynn Grubb has failed to file a written response and has failed to produce the documents requested.
3. The defendant Roger Lynn Grubb has failed to file or apply for a protective order with respect to said request.
4. The documents described in said requests and the interrogatories are properly subject to discovery within the scope of Rule 26(b) and 34, and are described with reasonable particularity.
5. Pursuant to F.R.Civ.P. 33(b)(4) Defendants failure to respond and object to the interrogatories in a timely manner constitutes a waiver of any objections.

Wherefore, the plaintiff prays for an Order compelling the defendant, Roger Lynn Grubb to produce the documents and answer interrogatories as requested, with objections waived.

By Plaintiff's Attorney,

Dated: 10/12/04



Paul Nathan, Esquire
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I hereby certify that a true original of the
above document was served upon
the attorney of record for each party via
first-class mail on 10/12/04

